

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO

IN RE:  
JOSE MIGUEL DE JESUS MIRANDA

CASE NO. 10-01096-ESL

CHAPTER 13

DEBTOR (S)

**TRUSTEE'S UNFAVORABLE REPORT  
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.**

Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$11,081.00**

**R2016 STM. \$3,000.00**

<b>TOTAL ATTORNEYS FEES THRU PLAN: \$2,500.00   Fees paid: \$0.00   Fees Outstanding: \$2,500.00</b>
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With respect to the proposed (amended) Plan dated: **July 15, 2010** (Dkt 37).

Plan Base: **76,619.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Insufficiently Funded to pay 100% of §507 priority claims.[§1322(a)(2)]

The plan is insufficiently funded to pay priority claims filed in this case. Per Debtor's request for continuance filed on October 22, 2010 (Docket 45), the amount of Debtor's Domestic Support Obligation payments is still being determined by the Puerto Rico Courts. Debtor said that he would submit status reports regarding said case, but has not submitted the same. In light of the controversy regarding Debtor's Domestic Support Obligation, this case is not ready for confirmation.

- Feasibility [§1325(a)(6)]: Default in payments to Trustee.

Debtor is \$417.00 in arrears to Trustee. Debtor did not submit a \$417.00 payment in December 2010, as provided in the plan.

- Feasibility: Default in Post Petition DSO payments. [§1325(a)(8)]

Debtor must submit evidence of being current in post-petition Domestic Support Obligation payments.

- Other/Comments

Creditor María A. Hernández Iglesias has objected the confirmation of the plan (Docket 40). During a hearing held on July 21, 2010, this Court granted Debtor and Ms. Hernández 30 days, or until August 20, 2010, to file an agreement and 45 days, or until September 14, 2010 to submit discovery. (Docket 41). The Court also ordered the parties to move the Court within 60 days, or on or before, November 13, 2010 (Id.). To this day, no stipulation or other document has been filed with this Court regarding Ms. Hernández's objection to the plan confirmation. Until this matter is resolved, Trustee will not be able to provide a favorable recommendation to the plan.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this January 03, 2011.

/s/ Jose R. Carrion

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/s/ Alexandra Rodriguez -Staff Attorney

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